own quarrel. Nothing their employer required of them would necessarily provoke them to a quarrel, nor could this have been reasonably anticipated. The fact that employees sometimes quarrel and fight while at work does not make the injury which may result one which arises out of their employment. There must be some reasonable connection between the injury suffered and the employment or the conditions under which it is pursued.

"The case at bar resembles closely Union Sanitary Mfg. Co. *v.* Davis (Ind. App. 115 N. E. 676), where a moulder was injured as a result of a quarrel with a fellow employee over the repair of a ladle, and his duty did not include such repairing. It was held that the injury did not arise out of the employment.

"The commissioner relied for his authority upon Heitz *v.* Ruppert (218 N. Y. 148, 112 N. E. 750, L. R. A. 1917A, 344). That case may, perhaps, be distinguishable from this because Heitz, unlike Jacquemin, was passive, and he was injured while actually at his work. Whether we should upon the same facts reach a like conclusion need not now be determined. Certainly the case bears some resemblance to the cases of skylarking or horseplay. Garth slapped Heitz on the shoulder, and as he turned Garth's finger struck in Heitz's eye. It is not easy to see how the slapping of Heitz can be said to be an incident of the employment any more than any other form of horseplay."

Workmen's Compensation—Horseplay and Practical Jokes as "Within Scope of Employment."—In State ex rel. H. S. Johnson Sash & Door Co. *v.* District Court, Hennepin County, in the Supreme Court of Minnesota, 167 N. W. 283, it appeared that "an employee working in the relator's factory was hit and injured by a missile thrown by a fellow worker. The court found that it was customary for some of the workmen to throw at one another and at others; that the relator knew of the custom or should have known of it in the exercise of diligence; that the injured employee was at the time engaged in his work, and that he did not then and had not at any time engaged with his fellow worker in sport of such kind. There was evidence that the employee had never engaged with any of the employees in such sport, and that he had complained to the relator of the acts of his coworkers. It was held that the ultimate finding that the injury arose out of the employment within the meaning of the Workmen's Compensation Act is sustained." (Syllabus by the court.) The court said in part:

"The rule is well enough settled that where workmen step aside from their employment and engage in horseplay or practical joking, or so engage while continuing their work, and accidental injury results, and in general where one in sport or mischief does some act resulting in injury to a fellow worker, the injury is not

one arising out of the employment within the meaning of compensation acts (1 Honnold, Work. Comp., § 121; Bradbury, Work. Comp., 649; Dosker, Comp. Law, § 106; Boyd, Work. Comp., § 476; note, 12 N. C. C. A., 789; note, L. R. A. 1916A, 23, 47-93; Hulley *v.* Moosbrugger, 88 N. J. Law, 161, 95 Atl. 1007, L. R. A. 1916C, 1203; Coronado Beach Co. *v.* Pillsbury, 172 Cal. 682, 158 Pac. 212, L. R. A. 1916F, 1164; Fishering *v.* Pillsbury, 172 Cal. 690, 158 Pac. 215; Federal, etc., Co. *v.* Havolic, 162 Wis. 341, 156 N. W. 143, L. R. A. 1916D, 968; Pierce *v.* Boyer-Van Kuran, etc., Co., 99 Neb. 321, 156 N. W. 509, L. R. A. 1916D, 970; De Fillippis *v.* Falkenberg, 170 App. Div. 153, 155 N. Y. Supp. 761; Armitage *v.* L. & Y. R'y, 1902, 2 K. B., 178; Fitzgerald *v.* Clark, 1908, 2 K. B., 796). Here we conceive the situation to be different. Filas was exposed by his employment to the risk of injury from the throwing of sash pins in sport and mischief. He did not himself engage in the sport. His employer did not stop it. The risk continued. The accident was the natural result of the missile throwing proclivities of some of Filas' fellow workers and was a risk of the work as it was conducted. In McNicol's case (215 Mass. 497, 102 N. E. 697, L. R. A. 1916A, 306), injuries resulting from blows administered in frenzy by an intoxicated fellow worker known by the employer to be in the habit of becoming intoxicated and in that condition to be dangerous were held to arise out of the employment. Liability was rested 'upon the causal connection between the injury of the deceased and the conditions under which the defendant required him to work.' In Clayton *v.* Hardwick Colliery Co. (9 B. W. C. C., 136), reversing 7 B. W. C. C., 643, a finding that a boy who was working with other boys in a colliery picking stones from coal and was injured by a stone thrown by another boy was so subjected by his employment to a special risk that the injury arose out of his employment was sustained. In Challis *v.* London, etc., Co. (1905, 2 K. B., 154) the injuries to an engineer who was driving his engine under a bridge and was hit by a stone thrown by a boy from the bridge were held to arise out of his employment. And see Pekin Cooperage Co. *v.* Industrial Board (277 Ill. 53, 115 N. E. 128); In re Loper (Ind. App. 116 N. E. 324); Knopp *v.* American, etc., Co. (186 Ill. App. 605); State *v.* District Court (134 Minn. 16, 158 N. W. 713, L. R. A. 1916F, 957)."